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**Statement of Rep. Henry A. Waxman, Ranking Minority Member
Committee on Government Reform
Before the
Subcommittee on Government Management, Finance, and Accountability
Hearing on "An Introduction to the Freedom of Information Act"**

May 11, 2005

Thank you, Chairman Platts, for holding today's hearing. Our subject today is the law that keeps government open and accountable: the Freedom of Information Act.

The premise of the Freedom of Information Act is that our democracy depends on informed citizens. Yet over the past four years, we have witnessed an unprecedented assault on the Freedom of Information Act and our nation's other open government laws.

The Bush Administration has undermined the nation's sunshine laws while simultaneously expanding the power of government to act in the shadows. The presumption of disclosure under the Freedom of Information Act has been overturned. Public access to presidential records has been curtailed. Classification and pseudo-classification are on the rise.

These trends are ominous, and they are carefully documented in a report my staff prepared last fall. I ask unanimous consent to make this report part of the hearing record.

A bipartisan group of Senators and Representatives have taken important steps to improve the operations of the Freedom of Information Act. They have introduced two bills that aim to speed up agency response to FOIA requests and fix weaknesses in the Act. I look forward to this Committee's consideration of the two bills and hope that we will be able to work together to improve the Freedom of Information Act.

But the Bush administration's wholesale assault on open government demands that Congress do more. This week, I will be reintroducing the Restore Open Government Act. The legislation restores the presumption that government operations should be transparent. It overturns President Bush's executive order curtailing public access to

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presidential records, prohibits the executive branch from creating secret presidential advisory committees, and eliminates unnecessary secrecy at the Department of Homeland Security.

In addition, this year's version of the bill addresses the disturbing new trend of agencies relying on undefined new pseudo-classifications to protect information from public disclosure. The best known of these designations are "Sensitive but Unclassified" and "For Official Use Only," but there are many others. Most of these designations have no statutory or regulatory basis, yet they are being used to keep important information from the public.

Open and accountable government is a bedrock principle of our democracy. Secrecy breeds arrogance and abuse of power; sunshine fosters scrutiny and responsible government. The bill I will introduce this week restores the presumption that a strong government must remain open to scrutiny.

Mr. Platts, I want to thank you again for holding this hearing and for your interest in the Freedom of Information Act.